App. F. IX-4

1926.7

File No. 149-26

Previous References (Geol.)

Serial Nos. 1-4

Later References

Geol 149-26 (5-6) 1

Geol 149-26 (5-6)

— 65-40-1-4

(17)

General and Revenue Secretariat.

Serial Nos. Govt

Part B for Aug 27

SUBJECT

Recovery of dead rent at Rs 5/- per acre in the Gold Mining Leases issued in favour of Lala Mir Ahmed ali Asst. Comm

---

f(4) To the Director of Geology
No D 1506 dt 5/8/27.

Sir,

With Certain ~~Obje~~ observation
that dead rent at the rate of
Rs 2/- per acre per annum may be
levied in this & similar cases,
Commencing from the Current
Year

A. Rahman
Sd. 9.8.27

G. R. S. III—1] 192 6-7

GENERAL AND REVENUE SECRETARIAT

NOTES.

Rev File No. 1465

FILE HEADING.

Recovery of dead rent at Rs. 57- per acre on the Gold Mining lease issued in favour of Mr. A. Ahmed Ali.

From The Dir. of Rev

No. 1563 Dated 18/5/27 Received

Diary No. 782	Enclos. Nil Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Recommends the levy of dead rent.

NOTES AND ORDERS.

Secy's note. (P.W.D)

1) Have any cases of dead rent come up before Govt before. Please put up files. Also get files relating to the formulation of these conditions.

(D), 4.5

NOTES—First Sheet.

WD 1881—GPS—30,000—1-8-21.

General and Revenue Secretariat. Est File No. 1466 of 1926.

Serial No.	
	2) A search was made from 1915-16 the date on which the Estt. was abolished but no refe on the subject are forthcoming 3) cl. 9 of the M.L. re levy of dead rent seems to be in vogu from a very long time & the paper which led to the formulation of the rule may be in the Estt. office. 4) Draft calling for the refer is therefore subd. for appl. no. 30/5/27 5). Dft appl issue 31 WR 1/6
2	To. The Director of Est. No D.1056 dt 6/6/27 Request him to furnish the original files relating to levy of dead rent and information re similar cases disposed of from the Dir. of Estt. no. 1563 dt 28-6-27 states that there are no record relating to the formulation of the ru
3	

Sec A

Est. & Rev. Branch

NOTE—Contn. sheet.

46/

App. F. III—2]

General and Revenue Secretariat. Genl File No. 149 of 1926

Serial No.

4) Reference to para (1) of note begs note :-

6) Re levy of dead rent :- the Dir in his letter says that the levy of fees have been introduced in 1881 (clause V of Notifn of 26-7-1881 - printed Compilation), but he is not quite certain on the point. In the same para he says that the rules have undergone some modifications. In subg. proposals for sanction of those modifications he must have made a stmt in case, and that literature may contain some information on the point, which at least he ought to have sent to Govt. with the present ref.

7) As regards precedents he says, in para 2 of his letter, that there are no cases in respect of Govd mining lands, whether there are any cases relating to other minerals or not is not clear.

8) References called for in respect of para 3 are put up.

The Dir in his list of subjects

+ collection cases
1) " 92-20
2) " 34-22
3) " 98-24
4) " 12-26

NOTE—Contn. sheet.

D.011-76
+ 4-8-27

App. F. III—2]

General and Revenue Secretariat. File No. 149 of 1926.

Serial No.

to be brought up at the monthly meeting on 13-7-27 has included this subject (viz. levy of dead rent on mining lands), and may come up ~~for~~ therefore, for discussion when a clear explanation could be got.

9) If asked ~~may~~ this question ~~may~~ lie over till the point is finally settled there? ~~for~~ orders.

9-7-27

10) We may write to the Dir on 13-7-27 to come prepared, mutatis circumstances available in his office re levy of dead rent whether in respect gold mines or others, & also copies of communications from his office recommending modification of the clause in the mining lease.

Dy Secy 9-7-27

11) ~~Submitted~~ Submitted to Secy for perusal today

11-7-27

D.O. issued. No. D. 318 & 11-7-27.

12) ~~Submitted~~ Submitted

13) For favour of noting decision arrived at in meeting on 11/7/27

15-7-27

Dy Secy

15/7

+ ~~Submitted~~ this was one of the items included in the agenda, in the discussion on which Sir [illegible] left the meeting on 13/7/27. Submitted. 15/7

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

App. F. III—2]

W.T.

General and Revenue Secretariat. Ecl File No. 1669 of 1926.

Serial No.	
	14) The decision arrived at was that deed rent might be levied at Rs 2/- per acre per annum in the 2 cases reported, with a direction to the Dept that in future, as soon as cl 9 of the condition under the lease is infringed the lessee might be served with a notice of his liability to pay deed rent. 15) Please put up orders and sf WT 16 7 27 Dr Lm 16.7.27
	16) Draft sent WT 19/7/27
	17) Letter for approval Dr Lm 20.7.27
	Dy Secy)
21/7	18) Please put up clean off as revised WT 21 7 27 Dr Lm 21.7.27
	19) Resubd. with a typed copy. WT 22/7/27 Dr Lm 22.7.27
	Dy Secy) WT
23/7	2d Member) 20) Is this levy for future or for past? 23 7 27 Dr Lm as well. 2) I think the q[illegible] of enforcing part for past was discussed 23.7.27 and my recollection is that it was not considered desirable. Please refer to the results of discussion at the meeting & make

NOTE—Contn. sheet.

OFFICE OF THE SECOND MEMBER OF COUNCIL
23 JULY 1927
No. 551

WD 2293—GPB—10,000—4-5-27

7876/26 8011-26+2
46-27

6

App. F. III—2]

General and Revenue Secretariat. Genl 2 File No. 169 of 1926.

Serial No.

21) If there is no clear record on this point it has to be decided now. It does not appear to me to be fair to demand arrears, considering the letter and spirit of clause no 9. Apart from this, there is the other point that any action we may take should not be such as to induce the lessees to throw up their blocks and thus deprive Govt of even some future revenue. If the blocks were really very valuable the position would be different but from what the Dir told us at the meeting these blocks are not such and it is obviously to our interests to encourage their retention by lessees and make some money on them in future

27-7-27

22) Please issue orders accdg

23) Lr as revised approved 27/7/27

29.7.27

28.7.27

Dev Secy) Pl put up appl

OFFICE OF THE SECOND MEMBER OF COUNCIL. 3 AUG. 1927 No. 730

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

Issue 4/8/27 2nd Member) 3/8/27 3.8.27 3 8 27

7820 } 26-27
~~8811~~ } 26-27
4 & 27-8

7

App. F. III—2]

General and Revenue Secretariat. Ex. & R. File No. 149 of 1926

Serial No. 4

To the Dir. of Ed.
No. D. 1506 & 5-8-27
Directs, with certain observations that deed rent at the rate of Rs. 2/- per acre per annum may be levied in this & in similar cases commencing from the current Fasl.

B

GEN. & REV. SECRETARIES
DEVELOPMENT BRANCH.

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

M.G.D. 12.] *Dated, Bangalore,*

No. 1863 Encl. one Lease 18-5-192.

DEVELOPMENT & REV. SECRETARIAT
19 MAY 1927
DEVELOPMENT BRANCH.

Have any cases I dealt with come up before first — before ? Please put up file also get file relating to the formulation of these rules

18-5-27

FROM

P. SAMPAT IYENGAR, ESQ,. M.A.,
Director, Mysore Geological Department.

To

N. Rama Rao, Esq., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Departments.

Geol. Dept-Rules

SIR,

In connection with a Mining Lease for Gold granted in 1906, over a block of land in the Bowringpet Taluk, called the Ahmed's Block, I have the honour to submit as follows:-

1. The lease was granted to Mr. A. Ahmed Ali, Retired Assistant Commissioner, Mysore Government, on 16-1-1906, over a block of 155 acres - 22 guntas in the Bowringpet Taluk. The mineral ~~sought~~ for is Gold and the term of the lease is 30 years.

2. Clauses 11 and 13 of the lease (copy herewith) provide for the conduct of operations on the block without intermission and for raising of necessary capital within 2 years.

3. Clause 9 provides for the levy of a dead rent not exceeding a rate of Rs.5/- per acre per annum in the event of the Government not being satisfied with the operations conducted Etc.

4. In pursuance of the lease terms seven shafts were sunk on the block between January 1906 and June 1908. In 1908-09, one of the shafts was timbered for a depth of 46 feet and a new - shaft near the southern boundary of the block was ~~x~~ sunk vertically to a depth of 40 feet. The work however ceased with the demise of Mr. Ahmed Ali in 1909.

5. In June 1912, the heirs of the deceased lessee assigned over the lease to the marginally noted gentlemen of Hyderabad & Madras & the same was approved by the Government.

6. In 1912-13, some further operations were conducted on the block by the Hyderabad Syndicate, but were soon suspended.

Jagirdar Moulvi Abdur Rahim Sait and Khaja Muhamad Ebrahim Sait of Hyderabad Kuli & Syed Nur Sait of 19, Wallers Road, Egmore, Madras

7. About this time litigation arose between the partners in the Syndicate & ended only in 1919, the final decision being in favour of the two gentlemen of Hyderabad.

8. Work on the block not having been resumed, the Hyderabad gentleman, Jagirdar Moulvi Abdul Rahim Saheb being asked to state why dead rent should not be levied, stated in August 1925 that arrangements were being made to form a joint Stock Company for the purpose and requested that the levy of dead rent may be postponed for a reasonable time. The formation of the Company has not come to pass yet and in the meanwhile Mr. Abdul Rahim is reported to have died. Correspondence is now being made by his son Mr. Moulvi Hajee Mahomed Abdul Gaffoor Saheb.

9. The annual rent & cesses amounting to Rs.170-10-0 have been recovered to end of 1925.

9. In view of the fact that the lease holders have failed to resume conduct of mining operations on the block even after the close of the litigation referred to above, I recommend the levy of a dead rent on the block from the year 1919 at Rs.4/- per acre.

Early orders of Government are solicited in the matter.

I have the honour to be,

Sir,

Your most obedient servent,

M. Sampat Hegde

Director,

Mysore Geological Department.

..R/14.

APP. F. VI. Gl.]

SUBJECT.....

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Diary No. of letter replied to.....7828

Section Genl

File No. 169-26

Seria No.

No. D. 10868 dy 6/6/27

To The Dir. of Revl.

General and Revenue Secretariat

( )

the 192

Sir

Date of issue 6.6.27

Signed by M Vickers

With reference to your letter no. 1663 dy 18.5.27 re the levy of dead rent at Rs.5/- per acre on lot. Hemis mining block for gold I am directed to request you to furnish the following :-

1) original records relating to the formulation of the rule re the levy of dead rent

2) Refers: if any, on a similar subject disposed

List of enclosures.....

Copied by.....

Examined by.....

over

Geol. 149-26-3. 5

M.G.D. 12.]

Dated, Bangalore,

No. 1563-2 Ec. 1 28-6-1927.

48

From

P. SAMPAT IYENGAR, Esq,. M.A.,
Director, Mysore Geological Department.

GEN. & REV. SECRETARIAT. 2 JULY 1927 DEVELOPMENT BRANCH.

To

N. Rama Rao, Esq., B.A., B.L.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
Development Departments.

Sir,

With reference to your letter No.D.10868/Geol.149-26-2, dated the 6th instant, asking for the original records relating to the levy of dead rent &c., I have the honour to state that dead rent levy appears to have been introduced for the first time in 1881 in Notification No.129, dated 26th July 1881, (vide printed compilation herewith, page 43) before the organization of this Department. This rule has since then remained in all the later rules with only a slight modification. There are therefore no records in this office relating to the formulation of the rule.

2) There does not appear to have been any case of levy of dead rent disposed of by this Department so far, in respect of Gold Mining lands.

3) In the case of the Tata Iron & Steel Company's three leases for Magnesite and Chrome, the Company of its own accord in 1921 sought permission to carry on operations, on only one of the blocks agreeing to pay the maximum dead rent provided for in their leases. This the Government have accepted. Besides this there has been no other case.

I have the honour to be,
Sir,
Your most obedient servant,

P. Sampat Iyengar

Director,
Mysore Geological Department.

M.R/27.

AP[illegible]. F. VI. Gl.]

6

SUBJECT.....

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Section Genl

File No. 14 9-26

Seria No.

No. D 318

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

To ..... the Dir. of Geol.

Date of issue 11.7.27

Signed by Mr. P.H.C

~~Sir~~

D.O. With reference to your letter no. 1563-2 of 28 6/27 in the matter of levy of dead rent I am desired to request You to kindly come prepared on 13-7-27 with all the literature available in Your office re the levy of dead rent - Whether in respect of Gold or any other mineral and also ~~papers~~ Communications made to Govt. for the modification

List of enclosures.....

Copied by.....

Examined by.....

over

Draft

8

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. D. 1506 Eds 2
Secl. Reg. No. 4

Dated, Bangalore, 5/7 192

From

N. RAMA RAO, Esq., B. A., B. L.,
Secretary to the Government of His Highness the Maharaja of Mysore,
Development Departments.

To

P. Sampathiengar, Esq., M.A.,
Director of Geology in Mysore.

Sir,

With reference to your letters Nos. 1563 and 1575 dated 18th May 1927 and 26th May 1927 respectively, soliciting sanction of Government in the matter of recovery of dead rent on mining leases Nos. 111 and 119 for gold issued in favour of Mr. A. Ahmed Ali and Sir Haji Ismail Sait, I am directed to observe that in both these cases there has been great delay in taking action to enforce the liability of the lessees and that there is nothing to show that the lessees were made aware of the fact that the lessors were not satisfied with the operations conducted. On a careful consideration of the language and spirit of clause 9 of the lease, Government are of opinion that the levy of dead rent should be enforced for each year during which the operations conducted, or their results are considered unsatisfactory and not for a number of years in arrears. A dead rent at the rate of Rs.2/- per acre per annum may be levied in these and similar cases commencing from the current year.

Mig. M.L. Nos. 111+119.

The records received with your letter are returned herewith.

I have the honour to be,

Sir,

Your most obedient servant,

Fair draft

for Secretary to Government,
Development Departments.

ACH.3.

3 Copies

No. D.1506-9
Ecn. 149-26-4

5/8/27

To

The Director of Geology in Mysore.

Sir,

With reference to your letters Nos.1563 and 1575 dated 18th May 1927 and 26th May 1927 respectively, soliciting sanction of Governmer in the matter of recovery of dead rent on mini leases Nos.111 and 119 for gold issued in favc of Mr. A. Ahmed Ali and Sir Haji Ismail Sait, I am directed to observe that in both these cases there has been great delay in taking action to enforce the liability of the lessees and that there is nothing to show that the lessees were ~~not~~ made aware of the fact that the lessors were not satisfied with the opera tions conducted. On a careful consideration the language and spirit of ~~condition~~ clause 9 of the lease, Government are of opinion that the ~~decision to~~ levy of dead rent should be ~~taken~~ contemporaneously with the occurrence of the breach of that clause, and that notice (shd be given & the lessees) of the intention to enforce liability together with a statement of the grounds of dissatisfaction with the lessees' operations. ~~should be given to the lessees.~~ In the present case, ~~Government feel that~~ it would not be fair to levy dead rent after a long period of inaction ~~which might possibly be taken as acquiescence~~ on the part of the Geo Dept.

I am to request you to issue notices to the parties concerned of their liability to ~~this level~~ levy dead rent in case operations are not started ~~and~~ or not pursued to the satisfaction of Government.

enforced for each year during which the operations conducted or their results are considered unsatisfactory and for a work year in arrears. Dead rent at the rate of Rs 2/per acre per annum may be levied in these cases commencing from the current year.

I am further to request that in all cases where action under this section ~~may be~~ is deemed necessary, you may first issue a notice before taking any steps.

-x- reg. M.L. nos. 111 + 119.

The -x- records received with your letter are returned herewith.

I have etc.,

Secretary to Government,
Development Departments.